

[Parties and Counsel Listed on Signature Pages]

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY PRODUCTS
LIABILITY LITIGATION

This Document Relates To:

ALL ACTIONS

MDL No. 3047

Case No. 4:22-md-03047-YGR (PHK)

**AGENDA AND JOINT STATEMENT
FOR APRIL 19, 2024, CASE
MANAGEMENT CONFERENCE**

Judge: Hon. Yvonne Gonzalez Rogers

Magistrate Judge: Hon. Peter H. Kang

Pursuant to Case Management Order (“CMO”) No. 1 (ECF 75), the Parties submit this agenda and joint statement in advance of the April 19, 2024, Case Management Conference (“CMC”).

I. Update on Pending Motions

A. Motion to Dismiss Personal Injury Plaintiffs’ Claims Against Mark Zuckerberg

On March 1, 2024, the Parties submitted supplemental briefing requested by the Court on Defendant Mark Zuckerberg’s motion to dismiss certain Personal Injury (“PI”) Plaintiffs’ claims against him in his individual capacity (ECF 518). *See* ECF 659, 660 (Defendants’ submissions); ECF 661 (Plaintiffs’ submission). On April 4, 2024, the Parties submitted the Plaintiff Fact Sheets of certain Plaintiffs who are alleging claims against Defendant Mark Zuckerberg, as requested by the Court through Liaison Counsel.

B. Motion to Dismiss Certain Non-Priority Claims of PI Plaintiffs

On December 22, 2023, Defendants moved to dismiss the PI Plaintiffs’ remaining “non-priority claims” (Counts 5, 12, 14, 16–18) asserted in the PI Plaintiffs’ Second Amended Master Complaint. *See* ECF 516. The PI Plaintiffs filed their opposition on February 5, 2024. *See* ECF 597. Defendants filed their reply on February 26, 2024. *See* ECF 644. The Defendants and PI Plaintiffs will be prepared to argue this motion at the June 21, 2024, hearing. *See* ECF 728, CMO No. 12 at 6 (setting hearing).

C. Motion to Dismiss AG Complaints, Consumer Protection Claims, and Misrepresentation Claims

On December 22, 2023, Meta moved to dismiss the Multistate Attorneys General (“AGs”) Complaint, the Florida AG’s Complaint, and the PI Plaintiffs’ Consumer Protection and Misrepresentation Claims (Counts 7-9). *See* ECF 517. Defendants YouTube, Snap, and TikTok joined Meta’s motion to dismiss Count 7 of the PI Plaintiffs’ Amended Master Complaint. *See* ECF 519. Plaintiffs filed their oppositions on February 5, 2024. *See* ECF 599; 600. On March 1, Meta filed its reply (*see* ECF 662), along with annotated versions of the AGs’ and PI Plaintiffs’ appendices and a further appendix setting forth its position on various state laws (ECF 662-1, 662-2, 662-3), as requested by the Court. *See* CMC Tr. at 87:10–13 (Feb. 23, 2024). The AGs filed a motion for leave to file annotated copies of Meta’s state law appendices (ECF 701-2) which was granted by the Court. *See* ECF 728, CMO No. 12 at 4. The Meta Defendants and Plaintiffs are prepared to argue the entirety of the Motion to Dismiss the AG Complaints and PI Plaintiffs’ Consumer Protection and Misrepresentation Claims at the April 19, 2024 CMC. *See* ECF 728, CMO No. 12 at 5 (setting hearing).

D. Motion to Dismiss Claims Asserted in Certain PI Plaintiffs’ SFCs Against Snap

On January 12, 2024, Defendant Snap moved to dismiss claims under 18 U.S.C. §§ 2252 and 2252A (also known as the “Identified Counts”) asserted in certain PI Plaintiffs’ amended Short-Form Complaints pursuant to CMO No. 7 (ECF 479). *See* ECF 533. Those PI Plaintiffs filed their opposition on February 5, 2024. ECF 598. Defendant Snap filed its reply on February 15, 2024. ECF 613. The PI Plaintiffs and Snap will be prepared to argue this motion at the June 21, 2024, hearing. *See* ECF 728, CMO No. 12 at 6 (setting hearing).

E. Motion to Dismiss School District and Local Government Entity Plaintiffs' Master Complaint

On February 5, 2024, Defendants moved to dismiss the claims asserted in the School District and Local Government Entity ("SD/GE") Plaintiffs' Master Complaint (ECF 504). *See* ECF 601. The SD/GE Plaintiffs filed their opposition on March 4, 2024. *See* ECF 668. Defendants' reply is due on March 25, 2024. *See* ECF 451. The Defendants and SD/GE Plaintiffs will be prepared to argue this motion during the May 9, 2024, CMC. *See* ECF 728, CMO No. 12 at 6 (setting hearing).

F. Youngers Motion to Remand

As allowed by the Court (CMO No. 8, ECF 581), on February 15, 2024, Plaintiff Joleen Youngers filed a motion to remand (4:23-cv-00547-YGR, ECF 64); on March 11, 2024, Defendant Meta filed its opposition to the motion to remand (*id.* at ECF 69); and on March 25, 2024, Plaintiff Youngers filed her reply (*id.* at ECF 71). Plaintiff Youngers and Defendant Meta are prepared to argue the motion at the April 19, 2024 CMC. *See* ECF 728, CMO No. 12 at 5 (setting hearing).

II. Bellwether Selection, Status Report on Plaintiff Fact Sheets Due 4/1, and Process for Addressing Deficiencies

Plaintiffs and Defendants will submit to the Court on April 15 their respective bellwether case selections and briefing as to why their respective slates of cases are representative of the cases in this MDL and why selection of such cases is productive to facilitating resolution of these proceedings. *See* ECF 604, CMO No. 10 at 4. The PI/SD Plaintiffs and Defendants will be prepared to discuss selection of the bellwether discovery pool at the April 19, 2024 CMC. *See* ECF 728, CMO No. 12 at 5 (setting selection date). Pursuant to the Court's Order at ECF 748, the PI/SD Plaintiffs who have not submitted PFSs must do so by May 8, 2024, with Defendants then permitted to petition the Court to substitute, or add, to the bellwether selections by May 15, 2024, *id.* at 4.

III. Discovery Management Conference Statement

The Parties' Discovery Management Conference Statement is being filed this same date. The Parties will supply a copy to Judge Gonzalez Rogers's chambers by email after the filing.

IV. JCCP Status Update

At a status conference on March 20, 2024, Judge Kuhl clarified the bellwether selection process for PI plaintiffs in the JCCP. Judge Kuhl confirmed her preference for random selection of plaintiffs based on certain categories of information and ordered counsel to meet and confer regarding definition of the categories. She further set an informal conference with the Parties for April 24, 2024, to discuss the procedures for selection of the PI bellwether discovery pool. Judge Kuhl currently anticipates she will randomly select 24 PI plaintiffs for bellwether discovery on June 17, 2024. To allow the parties to assess those plaintiffs for representatives of the overall plaintiff population, she ordered Defendants to produce account preservation snapshots for those plaintiffs by June 19, 2024. Any plaintiffs found to be unrepresentative will be replaced via another random draw on June 27, 2024. In December 2024, Judge Kuhl will narrow the bellwether pool to 10-12 cases for trial. She set a deadline of December 6, 2024, for the completion of bellwether fact discovery, with expert discovery to follow the same timeline as expert discovery in the MDL.

On March 20, 2024, Judge Kuhl heard argument on Defendants' motion to strike third-party predator, CSAM, and "challenges" allegations from the JCCP Personal Injury Plaintiffs' Master Complaint and from certain short-form complaints. Judge Kuhl ordered supplemental briefing on the motion and continued the hearing to April 24, 2024 for additional argument.

On March 27, 2024, Judge Kuhl issued an order sustaining Defendants' demurrer to the JCCP plaintiffs' Unruh Act (age and sex discrimination) claims without leave to amend, and sustaining Defendants' demurrer to the JCCP plaintiffs' non-product negligent failure to warn claims with leave to amend.

The Parties continue to meet and confer regarding Defendant Fact Sheets and accompanying implementation order.

The JCCP's next status conference is April 24, 2024.

Respectfully submitted,

DATED: April 12, 2024

By: /s/ Lexi J. Hazam

1 LEXI J. HAZAM
2 **LIEFF CABRASER HEIMANN &**
3 **BERNSTEIN, LLP**
4 275 BATTERY STREET, 29TH FLOOR
5 SAN FRANCISCO, CA 94111-3339
6 Telephone: 415-956-1000
7 lhazam@lchb.com

8 PREVIN WARREN
9 **MOTLEY RICE LLC**
10 401 9th Street NW Suite 630
11 Washington DC 20004
12 Telephone: 202-386-9610
13 pwarren@motleyrice.com

14 Co-Lead Counsel

15 CHRISTOPHER A. SEEGER
16 **SEEGER WEISS, LLP**
17 55 CHALLENGER ROAD, 6TH FLOOR
18 RIDGEFIELD PARK, NJ 07660
19 Telephone: 973-639-9100
20 cseeger@seegerweiss.com

21 Counsel to Co-Lead Counsel

22 JENNIE LEE ANDERSON
23 **ANDRUS ANDERSON, LLP**
24 155 MONTGOMERY STREET, SUITE 900
25 SAN FRANCISCO, CA 94104
26 Telephone: 415-986-1400
27 jennie@andrusanderson.com

28 Liaison Counsel

EMILY C. JEFFCOTT
MORGAN & MORGAN
633 WEST FIFTH STREET, SUITE 2652
LOS ANGELES, CA 90071
Telephone: 213-787-8590
ejeffcott@forthepeople.com

JOSEPH VANZANDT
BEASLEY ALLEN
234 COMMERCE STREET
MONTGOMERY, LA 36103

Telephone: 334-269-2343
joseph.vanzandt@beasleyallen.com

Federal/State Liaisons

MATTHEW BERGMAN
GLENN DRAPER
SOCIAL MEDIA VICTIMS LAW CENTER
821 SECOND AVENUE, SUITE 2100
SEATTLE, WA 98104
Telephone: 206-741-4862
matt@socialmediavictims.org
glenn@socialmediavictims.org

JAMES J. BILSBORROW
WEITZ & LUXENBERG, PC
700 BROADWAY
NEW YORK, NY 10003
Telephone: 212-558-5500
jbilsborrow@weitzlux.com

JAYNE CONROY
SIMMONS HANLY CONROY, LLC
112 MADISON AVE, 7TH FLOOR
NEW YORK, NY 10016
Telephone: 917-882-5522
jconroy@simmonsfirm.com

ANDRE MURA
GIBBS LAW GROUP, LLP
1111 BROADWAY, SUITE 2100
OAKLAND, CA 94607
Telephone: 510-350-9717
amm@classlawgroup.com

ALEXANDRA WALSH
WALSH LAW
1050 Connecticut Ave, NW, Suite 500
Washington D.C. 20036
Telephone: 202-780-3014
awalsh@alexwalshlaw.com

MICHAEL M. WEINKOWITZ
LEVIN SEDRAN & BERMAN, LLP
510 WALNUT STREET
SUITE 500

PHILADELPHIA, PA 19106
Telephone: 215-592-1500
mweinkowitz@lfsbalw.com

Plaintiffs' Steering Committee Leadership

RON AUSTIN
RON AUSTIN LAW
400 MANHATTAN BLVD.
HARVEY, LA 70058
Telephone: 504-227-8100
raustin@ronaustinlaw.com

PAIGE BOLDT
WALSH LAW
4 Dominion Drive, Bldg. 3, Suite 100
San Antonio, TX 78257
Telephone: 210-448-0500
PBoldt@alexwalshlaw.com

THOMAS P. CARTMELL
WAGSTAFF & CARTMELL LLP
4740 Grand Avenue, Suite 300
Kansas City, MO 64112
Telephone: 816-701-1100
tcartmell@wcllp.com

SARAH EMERY
HENDY JOHNSON VAUGHN EMERY PSC
600 WEST MAIN STREET, SUITE 100
LOUISVILLE, KY 40202
Telephone: 859-600-6725
semery@justicestartshere.com

CARRIE GOLDBERG
C.A. GOLDBERG, PLLC
16 Court St.
Brooklyn, NY 11241
Telephone: 646-666-8908
carrie@cagoldberglaw.com

RONALD E. JOHNSON, JR.
HENDY JOHNSON VAUGHN EMERY PSC
600 WEST MAIN STREET, SUITE 100
LOUISVILLE, KY 40202
Telephone: 859-578-4444

1 rjohnson@justicestartshere.com

2 SIN-TING MARY LIU
3 **AYLSTOCK WITKIN KREIS &**
4 **OVERHOLTZ, PLLC**
5 17 EAST MAIN STREET, SUITE 200
6 PENSACOLA, FL 32502
7 Telephone: 510-698-9566
8 mliu@awkolaw.com

9 JAMES MARSH
10 **MARSH LAW FIRM PLLC**
11 31 HUDSON YARDS, 11TH FLOOR
12 NEW YORK, NY 10001-2170
13 Telephone: 212-372-3030
14 jamesmarsh@marshlaw.com

15 JOSEPH E. MELTER
16 **KESSLER TOPAZ MELTZER & CHECK LLP**
17 280 KING OF PRUSSIA ROAD
18 RADNOR, PA 19087
19 Telephone: 610-667-7706
20 jmeltzer@ktmc.com

21 HILLARY NAPPI
22 **HACH & ROSE LLP**
23 112 Madison Avenue, 10th Floor
24 New York, New York 10016
25 Telephone: 212-213-8311
26 hnappi@hrsclaw.com

27 EMMIE PAULOS
28 **LEVIN PAPANTONIO RAFFERTY**
316 SOUTH BAYLEN STREET, SUITE 600
PENSACOLA, FL 32502
Telephone: 850-435-7107
epaulos@levinlaw.com

RUTH THI RIZKALLA
THE CARLSON LAW FIRM, PC
1500 ROSECRANS AVE., STE. 500
MANHATTAN BEACH, CA 90266
Telephone: 415-308-1915
rrizkalla@carlsonattorneys.com

ROLAND TELLIS
DAVID FERNANDES
BARON & BUDD, P.C.
15910 Ventura Boulevard, Suite 1600
Encino, CA 91436
Telephone: 818-839-2333
rtellis@baronbudd.com
dfernandes@baronbudd.com

MELISSA YEATES
KESSLER TOPAZ MELTZER & CHECK LLP
280 KING OF PRUSSIA ROAD
RADNOR, PA 19087
Telephone: 610-667-7706
myeates@ktmc.com

DIANDRA "FU" DEBROSSE ZIMMERMANN
DICELLO LEVITT
505 20th St North
Suite 1500
Birmingham, Alabama 35203
Telephone: 205-855-5700
fu@dicellolevitt.com

Plaintiffs' Steering Committee Membership

Attorneys for Individual Plaintiffs

PHILIP J. WEISER

Attorney General
State of Colorado

/s/ Bianca E. Miyata

Bianca E. Miyata, CO Reg. No. 42012,
pro hac vice
Senior Assistant Attorney General
Lauren M. Dickey, CO Reg. No. 45773
First Assistant Attorney General
Megan Paris Rundlet, CO Reg. No. 27474
Senior Assistant Solicitor General
Elizabeth Orem, CO Reg. No. 58309
Assistant Attorney General
Colorado Department of Law
Ralph L. Carr Judicial Center
Consumer Protection Section
1300 Broadway, 7th Floor
Denver, CO 80203
Phone: (720) 508-6651
bianca.miyata@coag.gov

*Attorneys for Plaintiff State of Colorado, ex rel.
Philip J. Weiser, Attorney General*

ROB BONTA

Attorney General
State of California

/s/ Megan O'Neill

Nicklas A. Akers (CA SBN 211222)
Senior Assistant Attorney General
Bernard Eskandari (SBN 244395)
Supervising Deputy Attorney General
Megan O'Neill (CA SBN 343535)
Joshua Olszewski-Jubelirer (CA SBN 336428)
Marissa Roy (CA SBN 318773)
Nayha Arora (CA SBN 350467)
Deputy Attorneys General
California Department of Justice
Office of the Attorney General
455 Golden Gate Ave., Suite 11000
San Francisco, CA 94102-7004
Phone: (415) 510-4400
Fax: (415) 703-5480
Megan.Oneill@doj.ca.gov

Attorneys for Plaintiff the People of the State of California

RUSSELL COLEMAN

Attorney General

Commonwealth of Kentucky

/s/ J. Christian Lewis

J. Christian Lewis (KY Bar No. 87109),

Pro hac vice

Philip Heleringer (KY Bar No. 96748),

Pro hac vice

Zachary Richards (KY Bar No. 99209),

Pro hac vice

Daniel I. Keiser (KY Bar No. 100264),

Pro hac vice

Matthew Cocanougher (KY Bar No. 94292),

Pro hac vice

Assistant Attorneys General

1024 Capital Center Drive, Suite 200

Frankfort, KY 40601

CHRISTIAN.LEWIS@KY.GOV

PHILIP.HELERINGER@KY.GOV

ZACH.RICHARDS@KY.GOV

DANIEL.KEISER@KY.GOV

MATTHEW.COCANOUGH@KY.GOV

Phone: (502) 696-5300

Fax: (502) 564-2698

Attorneys for Plaintiff the Commonwealth of Kentucky

COVINGTON & BURLING LLP

By: /s/ Ashley M. Simonsen
Ashley M. Simonsen, SBN 275203
COVINGTON & BURLING LLP
1999 Avenue of the Stars
Los Angeles, CA 90067
Telephone: (424) 332-4800
Facsimile: + 1 (424) 332-4749
Email: asimonsen@cov.com

Phyllis A. Jones, *pro hac vice*
Paul W. Schmidt, *pro hac vice*
COVINGTON & BURLING LLP
One City Center
850 Tenth Street, NW
Washington, DC 20001-4956
Telephone: + 1 (202) 662-6000
Facsimile: + 1 (202) 662-6291
Email: pajones@cov.com

*Attorney for Defendants Meta Platforms, Inc.
f/k/a Facebook, Inc.; Facebook Holdings,
LLC; Facebook Operations, LLC; Facebook
Payments, Inc.; Facebook Technologies, LLC;
Instagram, LLC; Siculus, Inc.; and Mark Elliot
Zuckerberg*

FAEGRE DRINKER LLP
By: /s/ Andrea Roberts Pierson
Andrea Roberts Pierson, *pro hac vice*
FAEGRE DRINKER LLP
300 N. Meridian Street, Suite 2500
Indianapolis, IN 46204
Telephone: + 1 (317) 237-0300
Facsimile: + 1 (317) 237-1000
Email: andrea.pierson@faegredrinker.com
Email: amy.fiterman @faegredrinker.com

Amy R. Fiterman, *pro hac vice*
FAEGRE DRINKER LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402
Telephone: +1 (612) 766-7768
Facsimile: +1 (612) 766-1600

Email: amy.fiterman@faegredrinker.com

Geoffrey Drake, *pro hac vice*
KING & SPALDING LLP
1180 Peachtree Street, NE, Suite 1600
Atlanta, GA 30309
Tel.: 404-572-4600
Email: gdrake@kslaw.com
Email: dmattern@kslaw.com

David Mattern, *pro ha vice*
KING & SPALDING LLP
1700 Pennsylvania Avenue, NW, Suite 900
Washington, D.C. 20006
Telephone: +1 (202) 626-2946
Email: dmattern@kslaw.com

Attorneys for Defendants TikTok Inc. and ByteDance Inc.

MUNGER, TOLLES & OLSEN LLP
By: /s/ Jonathan H. Blavin
Jonathan H. Blavin, SBN 230269
MUNGER, TOLLES & OLSON LLP
560 Mission Street, 27th Floor
San Francisco, CA 94105-3089
Telephone: (415) 512-4000
Facsimile: (415) 512-4077
Email: jonathan.blavin@mto.com

Rose L. Ehler (SBN 29652)
Victoria A. Degtyareva (SBN 284199)
Laura M. Lopez, (SBN 313450)
Ariel T. Teshuva (SBN 324238)
MUNGER, TOLLES & OLSON LLP
350 South Grand Avenue, 50th Floor
Los Angeles, CA 90071-3426
Telephone: (213) 683-9100
Facsimile: (213) 687-3702
Email: rose.ehler@mto.com
Email: victoria.degtyareva@mto.com
Email: Ariel.Teshuva@mto.com

Lauren A. Bell (*pro hac vice forthcoming*)
MUNGER, TOLLES & OLSON LLP
601 Massachusetts Ave., NW St.,

Suite 500 E
Washington, D.C. 20001-5369
Telephone: (202) 220-1100
Facsimile: (202) 220-2300
Email: lauren.bell@mto.com

Attorneys for Defendant Snap Inc.

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /s/ Brian M. Willen

Brian M. Willen (*pro hac vice*)

WILSON SONSINI GOODRICH & ROSATI

1301 Avenue of the Americas, 40th Floor

New York, New York 10019

Telephone: (212) 999-5800

Facsimile: (212) 999-5899

Email: bwillen@wsgr.com

Lauren Gallo White (SBN 309075)

Samantha A. Machock (SBN 298852)

WILSON SONSINI GOODRICH & ROSATI

One Market Plaza, Spear Tower, Suite 3300

San Francisco, CA 94105

Telephone: (415) 947-2000

Facsimile: (415) 947-2099

Email: lwhite@wsgr.com

Email: smachock@wsgr.com

Christopher Chiou (SBN 233587)

Matthew K. Donohue (SBN 302144)

WILSON SONSINI GOODRICH & ROSATI

953 East Third Street, Suite 100

Los Angeles, CA 90013

Telephone: (323) 210-2900

Facsimile: (866) 974-7329

Email: cchiou@wsgr.com

Email: mdonohue@wsgr.com

Attorneys for Defendants YouTube, LLC and Google LLC

WILLIAMS & CONNOLLY LLP

By: /s/ Joseph G. Petrosinelli

Joseph G. Petrosinelli (*pro hac vice*)

jpetrosinelli@wc.com

Ashley W. Hardin (*pro hac vice*)
ahardin@wc.com
680 Maine Avenue, SW
Washington, DC 20024
Telephone.: 202-434-5000
Fax: 202-434-5029

Attorneys for Defendants YouTube, LLC and Google LLC

MORGAN, LEWIS & BOCKIUS LLP
By: /s/ Yardena R. Zwang-Weissman
Yardena R. Zwang-Weissman (SBN 247111)
300 South Grand Avenue, 22nd Floor
Los Angeles, CA 90071-3132
Tel.: 213.612.7238
Email: yardena.zwang-weissman@morganlewis.com

Brian Ercole (*pro hac vice*)
600 Brickell Avenue, Suite 1600
Miami, FL 33131-3075
Tel.: 305.415.3416
Email: brian.ercole@morganlewis.com

Stephanie Schuster (*pro hac vice*)
1111 Pennsylvania Avenue NW
NW Washington, DC 20004-2541
Tel.: 202.373.6595
Email: stephanie.schuster@morganlewis.com

Attorneys for Defendants YouTube, LLC and Google LLC

ATTESTATION

I, Ashley M. Simonsen, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence to the filing of this document has been obtained from each signatory hereto.

Dated: April 12, 2024

By: /s/ Ashley M. Simonsen

Ashley M. Simonsen